

April 26 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. \_\_\_\_\_

John E. Bloomquist  
Abigail J. St. Lawrence  
DONEY CROWLEY BLOOMQUIST PAYNE UDA P.C.  
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FILED  
APR 26 2010  
*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

*Attorneys for Appellants Babcock, et al. and Lewis, et al.*

BITTERROOT RIVER PROTECTIVE  
ASSOCIATION,

Plaintiff/Appellee,

MONTANA DEPARTMENT OF FISH,  
WILDLIFE AND PARKS,

Involuntary Plaintiff,

v.

BITTERROOT CONSERVATION  
DISTRICT, a political subdivision of the  
State of Montana,

Defendant,

WALTER R. BABCOCK, BITTERROOT  
SPRINGS RANCH, TUCKER CROSSING  
RANCH, and VALLEY SPRINGS RANCH,

Intervenors/Third Party Plaintiffs/Appellants,

MARNELL CORRAO ASSOCIATES, INC.,

Intervenor/Third Party Plaintiff,

JOHN & KATHY LEWIS, MILLIE &

## NOTICE OF APPEAL

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CASEY KIEFFER, EDITH L. & SKIP  
WARK, EDWIN C. & JUDITH HEBNER,  
SUSAN A. & LARRY LEVENSTEIN,  
MICHAEL & PAULETTE SPAULDING,  
EVELYN L. LOCKE, DAVID J. ODELL,  
GREG & NANCY TRANGMOE, JOHN &  
PATRICIA COOK, JOHN & ELIZABETH  
FOX, ETNA DITCH COMPANY,  
WEBFOOT DITCH COMPANY, and UNION  
DITCH COMPANY,

Intervenors/Appellants,

MONTANA FARM BUREAU  
FEDERATION,

Intervenor,

v.

RAVALLI COUNTY COMMISSIONERS,

Third Party Defendant.

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NOTICE is given that Walter R. Babcock, *et al.*, and John and Kathy Lewis, *et al.*, the Appellants above-named and who are the intervenors/third party plaintiffs and intervenors in that cause of action filed in the Twenty-First Judicial District, in and for the County of Ravalli, as Cause No. DV-03-476, hereby appeal to the Supreme Court of the State of Montana from the Order and Memorandum entered in such action on the 29<sup>th</sup> day of March, 2010.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).

**CERTIFICATE OF SERVICE**

I hereby certify that I have filed a true and accurate copy of the foregoing *Notice of Appeal* with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing *Notice of Appeal* upon the Ravalli County Clerk of District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Jack R. Tuholske  
Tuholske Law Office, P.C.  
P.O. Box 7458  
Missoula, MT 59807

Sarah K. McMillan  
P.O. Box 7435  
Missoula, MT 59807-7435

Donald D. MacIntyre  
307 North Jackson  
Helena, MT 59601

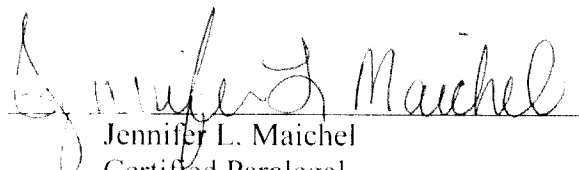
John S. Warren  
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Dillon, MT 59725

Robert N. Lane  
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Department of Fish, Wildlife & Parks  
P.O. Box 200701  
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Debbie Harmon  
Montana Twenty-First Judicial District  
Court, Ravalli County  
205 Bedford Street, Suite D  
Hamilton, MT 59840-2835

Stephanie Morrow  
Court Reporter  
200 West Broadway  
Missoula, MT 59802

DATED this 21<sup>st</sup> day of April, 2010.

  
Jennifer L. Maichel  
Certified Paralegal  
DONEY CROWLEY  
BLOOMQUIST PAYNE UDA P.C.  
Diamond Block, Suite 200  
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Helena, MT 59624-1185

3. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal.

4. That included herewith is the filing fee prescribed by statute.

DATED this 26<sup>th</sup> day of April, 2010.

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*Attorneys for Appellants Babcock, et al. and Lewis, et al.*

By: 

Abigail J. St. Lawrence